

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: STRAUB, Immanuel

Confirmation No.: 6349

Serial No.: 10/591,100

Art Unit: 3731

Filing or 371(c): 10/25/2006

Examiner: EASTWOOD, David C.

TITLE: Catheter for Aspirating, Fragmenting and Removing Material

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

VIA EFS-WEB TRANSMISSION  
INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97 & 1.98  
AND REMARKS RELATED THERETO

Dear Sir:

The ten references cited on the enclosed form PTO/SB/08a are submitted pursuant to 37 CFR 1.97(d), 37 CFR 1.98 and 1.56, and are accompanied by a statement pursuant to 37 CFR 1.97(e) along with the fee required by 37 CFR 1.17(p). Copies of the four cited U.S. patents are not submitted, as a requirement to submit copies of U.S. patent references has been waived by the Commissioner. Copies of the cited Japanese and German patent publications are attached.

Pursuant to 37 CFR 1.98(a)(3)(i), a statement related to each of these ten references is given on pages 2-4 of this letter. In view of the previous allowance in this application, some related remarks are included to additionally further facilitate the further processing of this patent application. Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

Accordingly, pursuant to the directives in MPEP sections 609 and 1893.03(g) indicating the relevance of such citations, Applicant is submitting these ten references and citing them on the attached form PTO/SB/08A. It is respectfully requested that the Examiner consider these references pursuant to 37 CFR 1.97(d).

**PATENT**Japanese patent pub. no. 2005-512631A:

This reference was cited by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100. JP2005-512631 appears to correspond closely to the previously-cited US20030114875A1 publication of record, having common PCT root therewith. Accordingly, it is believed that this information may be essentially cumulative to previously-considered English-language publication of record in this examination.

Furthermore, Applicant informs the Examiner that with regard to this citation and all the remaining other 9 citations discussed in following below, it may be noted that the Japanese claims under examination in the corresponding Japanese application in which these citation were made are, in essence, the original PCT claims of the present allowed U.S. application, as opposed to the presently allowed claims 26-49 developed during the prosecution of the present U.S. application.

Japanese patent pub. no. 2002-538876A:

This reference was cited by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100. JP2002-538876 appears to correspond closely to the previously-cited WO00/54659A (Prolifix Medical Inc., December 10, 2008 Office Action) publication of record, having common PCT root therein. Accordingly, it is believed that this information may be essentially cumulative to the previously-considered English-language publication of record in the present U.S. examination.

Japanese patent pub. no. H11-506358A:

This reference was also cited by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100. JP H11-506358 appears to correspond entirely or closely to Straub et al. U.S. pat. no. 5873882 (and WO96/29941) publication of record, having common PCT root therein. Accordingly, it is believed that this information may be essentially entirely cumulative to the extensively-considered English-language reference US5873882 discussed at length in the record of the present U.S. examination.

Japanese patent pub. no. H10-277047A:

This reference was also cited by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100. Although Applicant does not have a full, accurate translation of this reference, JP H10-277047A appears to have been cited by the Japanese Patent Office for teachings that may be essentially cumulative to the teachings of Kocak U.S.pat.no. 4705511. Accordingly, it is believed that JP H10-277047 may be cumulative to previously-cited information recorded and previously well-considered within the present U.S. application.

Japanese patent pub. no. H05-78207U:

This reference was also cited by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100. JP H05-78207U appears, as best possible to discern from an unofficial machine-translation to English, to have been cited by the Japanese Patent Office for teaching use of ceramic in surgical cutting scissors. Thus, JP H05-78207U may be cumulative to previously-cited information of record within the present U.S. application. It should be understood that this unofficial machine translation is merely an aid to interpretation and understanding, and is not, itself, a prior art document, since it was produced after the filing and national-stage entry of the present application.

German patent pub. no. DE-10162933A1:

This reference was also cited by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100. Although Applicant's representative does not have a full, accurate translation of this reference, DE-10162933A1, its drawings and available English-abstract do not show that it is more relevant than, and indicate that it may be cumulative to, previously-cited information such as U.S. pat. no. 5084052 (Jacobs) of record and considered previously within the record of this patent application.

U.S. pat. no. 2026630:

This reference was also listed by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100, but was not cited in a rejection. Accordingly, it may have been considered merely as background information.

U.S. pat. no. 3082805:

This reference was also listed by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100. Figures 1-5 of US3082805 clearly show that many of the presently allowed claims' distinguishing features pointed out by the Examiner previously within the Notice of Allowance dated November 1, 2010 in the instant U.S. application, are entirely lacking in USP3082805.

U.S. pat. no. 3945375 (Banko-2):

This reference was also listed by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100. Notably, a previous Banko reference, U.S. pat. no. 3732858 has been of record within the instant allowed application since being cited by the Examiner within the December 10, 2008 Office Action. The Banko-2, USP3945375 newly cited by the JPO is considered by Applicant substantially cumulative in multiple respects to Banko USP3732858 previously-cited, and previously considered within the record of the present allowed patent application. Thus, USP3945375 also does not appear to raise new issues or considerations.

U.S. pat. no. 4867157:

This reference was also listed by the Japanese Patent Office in a corresponding Japanese national phase patent application having common PCT root with the present U.S. application ser. no. 10/591,100. Applicant believes that its drawings and text do not show that it is more relevant than, and indicate that it may be cumulative to, previously-cited information originating from the common assignee (Baxter International Inc.) such as U.S. pat. no. 5084052 (Jacobs) or U.S. pat. no. 4844064 (Thimsen et al.,) both of-record and considered previously within the record of this patent application. Thus, USP4867157 also does not appear to raise new issues or considerations.

**PATENT****CONCLUSION TO INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97 & 1.98**

Applicant is submitting copies of the ten above-discussed references and citing them on the attached form PTO/SB/08A. It is respectfully requested that the Examiner consider these references pursuant to 37 CFR 1.97(d).

As provided for by 37 CFR 1.97 and 1.98, no inference should be made that the information and references cited are prior art merely because they are in this statement, and no representation is made that a search has been conducted or that this statement encompasses all possible relevant information.

The requisite fee of \$180.00 as required by 37 CFR 1.17(p) accompanies the submission of this information disclosure statement.

Respectfully submitted,



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George Kapsalas, Reg.# 35025  
December 2, 2010

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Attachments:  
Copies of 6 foreign references